

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
MARCH 17, 2014

WATER RIGHT NUMBER
S3-30708

MAILING ADDRESS
TRAVIS H. SHERMAN
434011 HIGHWAY 20
NEWPORT, WA 99156

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.022	CFS	3.37

Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Domestic Supply	0.011	---	cfs	.50	---	1/1-12/31
Irrigation	0.011	---	cfs	2.87	---	5/1-10/1
IRRIGATED ACRES	NON-ADDITIVE		PUBLIC WATER SYSTEM INFORMATION			
ADDITIVE			WATER SYSTEM ID		CONNECTIONS	
1	---		n/a		n/a	

Source Limitations

SOURCE FACILITY/DEVICE	DIVERSION RATE	ANNUAL QUANTITY (AF/YR)
UNNAMED SPRING	0.022	3.37

Source Location

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA	
PEND OREILLE	UNNAMED SPRING	PEND OREILLE RIVER				62-PEND OREILLE	
SOURCE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	453102520003	31 N.	45 E.	02	SE¼NE¼	48.21796° N	-117.07280° W
							Datum: WGS84

REPORT OF EXAMINATION

Place of Use (See Attached Map)**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Viewpoint Acres 1A, Sec. 2, T. 31 N, R. 45 E.W.M. (Parcel # 453102520001)

Proposed Works

Spring cistern with ¾ hp submersible pump

Development Schedule**BEGIN PROJECT**

Begun

COMPLETE PROJECT

September 1, 2015

PUT WATER TO FULL USE

September 1, 2016

Measurement of Water Use

How often must water use be measured?

Monthly

How often must data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Family Farm Permit

That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30708, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2014.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Application for Water Right -- Sherman
Water Right Control Number S3-30708
Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30708.

Table 1 Summary of Requested Water Right

Applicant Name:	Travis H. Sherman
Date of Application:	March 17, 2014
Place of Use	Viewpoint Acres 1A, Sec. 2, T. 31 N, R. 45 E.W.M. (Parcel # 453102520001)

County	Waterbody	Tributary To	WRIA
Pend Oreille	Unnamed Spring	Pend Oreille River	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Supply	0.011	CFS	0.50	Jan 1	Dec 31
Irrigation	0.011	CFS	2.87	May 1	Oct 1

Total diversion limited to 0.022 cfs

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Unnamed Spring	453102520003	31N	45E	02	SE¼NE¼	48.21796° N	-117.07280° W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section;

WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Newport Miner on May 14 and 21, 2014.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

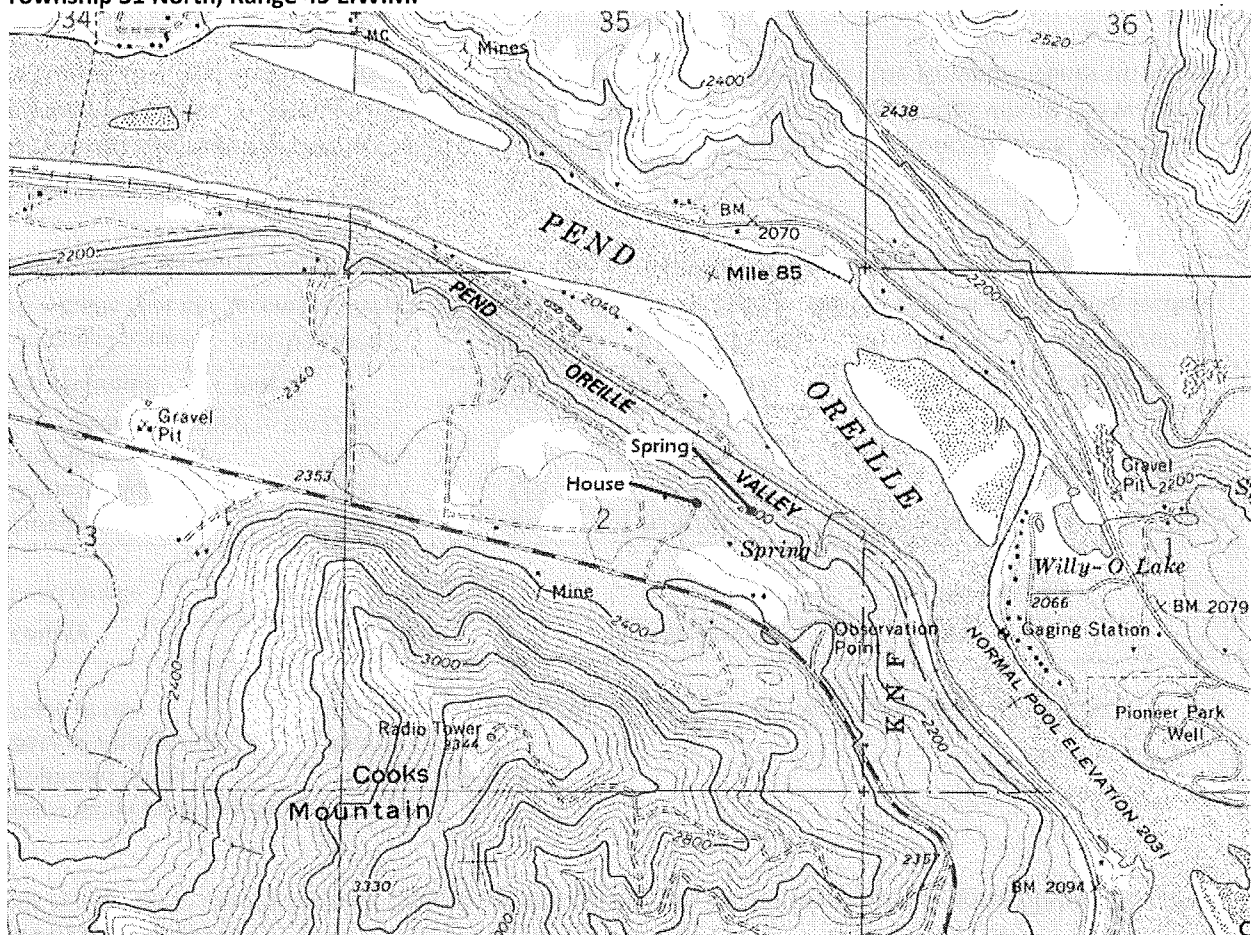
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Gene Drury with Travis H. Sherman on July 29, 2014. The project is located approximately three miles northwest of Newport, WA. The site address is 434011 Highway 20, Newport, WA.

Township 31 North, Range 45 E.W.M.



USGS 7.5 Minute (Topographic Map) - "Newport"

The applicant has filed for a permit for an existing surface water diversion from an unnamed spring for domestic supply and irrigation. The point of diversion is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T. 31 N., R. 45 E.W.M. on a parcel owned by James and Kristina Deaton. The applicant stated that he does have an easement to use the diversion on the Deaton property. The proposed place of use is to be located on

the applicant's property on Viewpoint Acres 1A, within Sec. 2, T. 31 N, R. 45 E.W.M. (Parcel # 453102520001). According to the applicant, the diversion was put in place in 1977 and has been in use since that time. Improvements were made to the system in 2009-10 by installing new steel riser pipe, lid and submersible pump. Water from the spring is pumped uphill through a one inch water line to the applicant's house. The water level in the diversion structure was below land surface but it does overflow and run downhill. The water goes subsurface and does not reach the Pend Oreille River. Water from the spring is used for one home and irrigation of lawn, flowerbeds and trees. The applicant may want to irrigate a garden in the future. No more than one acre is proposed to be irrigated. On the date of the field visit, there appeared to be less than ¼ acre of lawn irrigation. No stockwater is proposed to be used.

The applicant proposes to irrigate a total of one acre. The Washington State Irrigation Guide (WA210-Vi-WAIG, AMEND.1NOVEMBER1990 at Newport, Washington) estimates that this would require 34.44 inches or 2.87 acre-feet per acre (based on 70% system efficiency). Therefore, 0.011 cubic foot per second and 2.87 acre feet will be issued for the irrigation portion under this permit. The requested instantaneous rate for irrigation is low and the acre-feet may not be reached in an irrigation season. Therefore, the annual quantity will need to be reduced to reflect the actual diverted amount before a final certificate is issued. A quantity of 0.011 cubic foot per second and 0.50 acre-foot will be sufficient for the single domestic supply purposes. Total diversion will be 0.022 cubic foot per second.

Impairment Considerations and Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water rights, permits, and claims in Sec. 2, T. 31 N., R. 45 E.W.M. No other rights were found near the proposed point of diversion or appurtenant to the applicant's property.

Water Availability

The Unnamed Spring has been in use since 1977 and does not contribute flows to the nearby Pend Oreille River. On the day of examination, the water level in the diversion structure was below land surface with no overflow. Surface water is available for this project.

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

The approval of this application for this quantity and use will not be detrimental to the public interest.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from the Unnamed Spring, is available for appropriation. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Quantities and Purpose of Use:

0.022 cubic foot per second; 3.37 acre-feet per year for continuous single domestic supply and seasonal irrigation of 1 acre.

Point of Diversion

SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T. 31 N, R. 45 E.W.M. (Parcel # 453102520003)

Place of Use:

Viewpoint Acres 1A, within Sec. 2, T. 31 N, R. 45 E.W.M. (Parcel # 453102520001)

Gene Drury, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.